

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF A WARRANT TO :  
SEARCH THE PREMISES LOCATED AT : 1:15MJ299  
701 EAST SUNRISE AVENUE, :  
THOMASVILLE, NORTH CAROLINA 27360 :  
: **Filed Under Seal**

SEALED SUPPLEMENT TO MOTION TO SEAL BY THE UNITED STATES

NOW COMES the United States of America, by Ripley Rand, United States Attorney for the Middle District of North Carolina, through his assistant, Eric L. Iverson, and supplements the Motion to Seal filed in the above-captioned case, in accordance with Baltimore Sun Company v. Goetz, 886 F.2d 60 (4th Cir. 1989). Since the supplement addresses the specific nature of the material the United States seeks to have sealed and the specific reasons for the desired sealing, it is requested that the Court seal this supplement.

The search warrant affidavit filed in the above-captioned cases contains information in an ongoing nationwide investigation into violations of 18 U.S.C. § 2251(d) and (e) (advertising, attempting to advertise, and conspiracy to advertise child pornography); 18 U.S.C. § 2252A(a)(2)(A) and (b)(1) (receipt and distribution of, conspiracy to receive and distribute, and attempt to receive and distribute child pornography); and 18 U.S.C. § 2252A(a)(5)(B) and (b)(2) (possession of, knowing access, conspiracy to access, or attempted access with intent to view child pornography). The

investigation targets individuals sharing and viewing child pornography on a website dedicated to such content.

The subject website was located on a network that masked the users' IP addresses. Thus, law enforcement employed a sensitive investigative technique to identify the individuals using the website. Following the February 2015 arrest of the primary site administrator and seizure of the website, the site remained operating at an FBI facility in the Eastern District of Virginia until approximately March 4, 2015. During that time period, Title III Electronic Intercepts were conducted on the site to monitor users' communications and a Network Investigative Technique ("NIT") was deployed in an effort to defeat the anonymous browsing technology afforded by the network and to identify the true IP addresses of website users. The NIT successfully revealed the actual IP addresses of more than 1,000 U.S. based users who accessed the site.

In total, the investigation resulted in over 1,300 leads that were disseminated throughout the U.S. To date, more than 600 search warrants have been executed based upon those leads. Not all of the target locations and individuals have been searched at this time. It is anticipated that the searches will be completed sometime in 2016.

Online criminals have been known to actively search for criminal affidavits and search warrants via the Internet, and disseminate them

to other online criminals as they deem appropriate, i.e., post them publicly online through forums. Premature disclosure of this search warrant affidavit could result in potential evidence being destroyed or hidden. For example, if the identity of the target website were to become widely known to the public, users would likely destroy evidence of their association with child pornography and may attempt to evade law enforcement.

Further, the FBI intends to use this investigative technique in subsequent investigations. Currently, many users of the anonymous network believe that they can navigate child pornography websites on the network without fear of being identified. Public disclosure of the search warrant affidavit could dispel this belief and negatively affect law enforcement's ability to conduct future investigations using the NIT.

The search warrant affidavit in case number 15MJ275 in this District is associated with this investigation and is currently unsealed. The United States has moved to have it sealed.

Due to a mistake, a search warrant affidavit associated with this investigation was not sealed in the Eastern District of New York. This affidavit remains unsealed. Failure to seal the affidavit resulted in a news article about the investigation. The article, which is attached, described the subject website's content and

highlighted the FBI's use of a NIT. This article has been circulated among child pornography sites on the anonymous network.

The Child Exploitation and Obscenity Section Trial Attorney in charge of this national investigation is unaware of any other publicly available affidavits related to this investigation.<sup>1</sup> Since the existence of the Eastern District of New York affidavit was reported on, successful search warrants arising from this investigation have been executed. Law enforcement has not completely lost the element of surprise.

While an affidavit associated with this investigation is publicly available in the Eastern District of New York and one is currently available in this District, further disclosure of the numerous search warrant affidavits in this investigation, of which the affidavit in this case is one, would likely result in additional and more widespread attention. In other words, there would be a cumulative effect from disclosure that would draw significant attention to this investigation. Such attention would increase the likelihood that this investigation and future investigations will be negatively impacted.

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<sup>1</sup> There are some publicly filed complaints throughout the U.S. that provide limited detail about the investigation. One complaint in the Eastern District of New York discloses the name of the subject Website.

Accordingly, there is good cause to seal the search warrant affidavit because its disclosure may seriously jeopardize this and future investigations.

WHEREFORE, the United States respectfully requests the sealing of the search warrant affidavit filed in the above-captioned case.

This the \_\_\_\_ day of December, 2015.

Respectfully submitted,  
RIPLEY RAND  
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